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REMARKS35 USC §102(b) Rejections:

1. Claims 1 – 5, 8 – 11, 13 – 15 and 21 – 37 were rejected under 35 USC §102 (b) as being anticipated by Trinh et al. (US Patent No. 4,481,126).

The Examiner submits that Trinh discloses (a) a substantially nonabrasive, liquid car cleaner composition which cleans car surfaces without an external source of water to wash or rinse (Abstract); (b) that the product is a composition of up to 30% polymeric solids, up to 95% liquid carrier and a suspension aid (Abstract); (c) that the composition comprises organic polymeric solids selected from the group consisting of porous and/or nonporous powdered particles in the particle size range of from 1 micron to about 250 microns (col. 2, lines 37 – 42); (d) that mixtures of water and aliphatic hydrocarbon solvents are used as the liquid carrier; and (e) that both surfactants and thickeners are used as the suspending agent. The Examiner further contends that Example 1 discloses all of the instantly claimed components in their required amounts.

With regard to claims 1 – 30:

Applicants have amended independent claim 1 by changing “comprising of” to “consisting essentially of.” Trinh et al. teach and claim that their cleaning composition consists of polymeric solids, water and aliphatic hydrocarbon solvent, a suspending agent, and silicone (see, for instance, Examples I, II and V – XXII and claim 1). In contrast, claim 1 of the instant invention consists essentially of absorbent particulate, water and surfactant, and a dispersion stabilizing agent. Thus, Applicants respectfully submit that the instant invention, as described in

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currently amended claim 1, is not anticipated by the composition of Trinh et al. The reference requires silicone, while the composition of the instant invention does not. Accordingly, since claims 2 – 30 depend either directly or indirectly from claim 1, Applicants respectfully submit that the rejection of claims 1 – 30 has been overcome.

With regard to claims 31 – 37:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP § 2131). Applicants respectfully submit that Trinh et al. do not disclose each and every element of Applicants' invention as presently claimed.

With regard to independent claims 31 and 34, Applicants respectfully submit that Trinh et al. fail to teach the use of vacuum retrieval additives. Applicants disclose vacuum retrieval additives, for example, on page 16 (lines 4 – 6) of the specification. They include such compounds as polyoxyalkylene materials (such as dipropylene glycol), aluminum silicate clay, hydrolyzed styrene maleic anhydride, and mixtures thereof. Trinh et al. do not teach the use of these compounds.

Thus, Applicants respectfully submit that claims 31 and 34 are not anticipated by Trinh et al. Applicants further submit that since claims 32 – 33 and claims 35 – 36 depend from claims 31 and 34, respectively, that they too fail to be anticipated by Trinh et al.

With regard to independent claim 37, Applicants respectfully submit Trinh et al. fail to teach the use of an acrylic stain resist agent in the composition. Applicants disclose the use of

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acrylic stain resist agents, for example, on page 16 (line 10 – 11) of the specification. Trinh et al. do not teach the incorporation of such compounds into their cleaning composition. Thus, Applicants respectfully submit that claim 37 is not anticipated by Trinh et al.

Accordingly, since Trinh et al. fail to teach each and every limitation of Applicants' invention, as currently claimed in claims 31 - 37, Applicants respectfully request withdrawal of this anticipatory rejection.

2. Claims 1 – 4, 6 – 15, 17 and 26 – 37 were rejected under 35 USC §102 (b) as being anticipated by Suzuki et al. (US Patent No. 4,534,892).

The Examiner contends that Suzuki et al. discloses (a) a liquid detergent composition containing an anionic surface active agent and a water-insoluble fine powder characterized by containing therein a crosslinking type amphoteric polymer and an inorganic salt (Abstract); (b) that several glycols and phosphates may be used and that the foaming properties are improved using a polyacrylic acid and a pH adjuster (col. 3, lines 15 – 25 and col. 1, lines 48 and 54 – 63); (c) that the particle size of the water-insoluble fine powder is less than 150 microns; (d) that nonionic surface active agents, amphoteric surface active agents and cationic surface active agents may be used in combination with the anionic surface active agents; and (e) that the examples show that water makes up the balance of the composition.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP § 2131). Applicants respectfully submit that Suzuki et al. do not disclose each and every element of Applicants' invention as presently claimed.

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Applicants respectfully submit that Suzuki et al. fail to disclose a dispersion stabilizing agent, as disclosed and claimed by Applicants. The Examiner points to column 1 (lines 48 and 54 – 63) of Suzuki et al. for disclosure of polyacrylic acid, which is one example of a dispersion stabilizing agent of the Instant invention. However, this disclosure by Suzuki et al. is actually a discussion of the prior art and refers specifically to Japanese Patent Publication No. 49117/1974 (see Suzuki et al. at col. 1, beginning with line 39). Thus, this citation does not provide evidence that Suzuki et al. teaches a dispersion stabilizing agent. Furthermore, the other citation provided by the Examiner – column 3, lines 15 to 25 – also fails to disclose a teaching by Suzuki et al. of a dispersion stabilizing agent.

Thus, since Suzuki et al. fail to teach each and every limitation of Applicants' claimed invention, Applicants respectfully request withdrawal of this anticipatory rejection.

35 USC §103 (a) Rejections:

3. Claims 6, 7, 11, 16 and 22 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126).

The Examiner contends that the reference fails to teach the particle size of calcium carbonate used. However, the Examiner submits that the reference teaches mild inorganic abrasives such as calcium carbonate powder (col. 6, lines 28 – 31) and further teaches the particle sizes of other solids that are present. Thus, the Examiner believes there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggest a particle size of other solids to be suspended.

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The Examiner also contends that the reference fails to teach the specific surfactant of claim 11. However, the Examiner submits that there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art does suggest that any surfactant that is compatible with the system may be used.

The Examiner also contends that the reference fails to teach that the acrylic component disclosed is an acrylic stain resistant agent. However, the Examiner believes that since the reference teaches that acrylic additives may be used, there would be a reasonable expectation of success that material of the same structure will have similar properties.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03). Applicants rely on the discussion of the deficiencies of Trinh et al. presented above (e.g. that the reference fails to teach a composition free from silicone) and respectfully submit that Trinh et al. fail to teach or suggest the invention as recited in currently amended claim 1. Accordingly, since Trinh et al. fail to teach the limitations as claimed by Applicants in independent claim 1, and since claims 6, 7, 11, 16 and 22 each depend directly or indirectly from this claim, Applicants respectfully request withdrawal of the obviousness rejection of claims 6, 7, 11, 16 and 22.

4. Claims 19 and 20 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126) further in view of Froehlich (US Patent No. 3,910,848) or Brown (US Patent No. 5,514,302).

The Examiner submits that the primary reference fails to teach that aerosol may be used with the liquid cleaner of the variety disclosed and that the secondary reference teaches that a cleaning composition containing urea-formaldehyde polymer particles having a particle size of

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from 10 to 105 microns and an oil value of at least 90. The secondary reference also teaches the use of propellants such as propane, isopropane, n-butane, isobutane, isopentane or n-hexane. Therefore, the Examiner believes there is a reasonable expectation of success that an aerosol may be used with the composition of the reference as the composition of the secondary reference has similar structural properties, uses and components.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03). Applicants rely on the discussion of the deficiencies of Trinh et al. presented above (e.g. that the reference fails to teach a composition free from silicone) and respectfully submit that the primary reference fails to teach or to suggest the invention as recited in currently amended claim 1. Applicants further contend that the secondary references fail to overcome the deficiencies of Trinh et al. Accordingly, since the cited art fails to teach the limitations as claimed by Applicants in independent claim 1, and since claims 19 and 20 each depend directly or indirectly from this claim, Applicants respectfully request withdrawal of the obviousness rejection of claims 19 and 20.

5. Claim 18 was rejected under 35 USC §103 (a) as being unpatentable over Suzuki et al. (US Patent No. 4,534,892).

The Examiner contends that the reference fails to teach the specific biocides used. However, the reference does teach that germicides may be used; therefore, the Examiner believes that there would be a reasonable expectation that any germicide may be used in the absence of superior or unexpected results.

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To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03). Applicants rely on the discussion of the deficiencies of Suzuki et al. presented above (i.e. that Suzuki et al. fail to teach dispersion stabilizing agents) and respectfully submit that the reference fails to teach or suggest invention as recited in claim 1. Accordingly, since Suzuki et al. fail to teach the limitations as claimed by Applicants in independent claim 1, and since claim 18 depends indirectly from this claim, Applicants respectfully submit that the obviousness rejection of claim 18 should not be maintained.

Conclusion:


For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance. Should any issues remain after consideration of these Amendments and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

To any extent required for acceptance of this paper, an extension of time is hereby requested. In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Milliken & Company  
Legal Department, M-495  
920 Milliken Road  
PO Box 1926  
Spartanburg, SC 29304

Respectfully requested,

  
Brenda D. Wentz  
Agent for Applicants  
Registration Number: 48,643  
(864) 503-1597